

CONTINUED

SUMMARY OF OFFENSE AND PROBABLE CAUSE AFFIDAVIT

An individual interrogated with the defendant BURT SETTS reported that SETTS had told him that SETTS and one WILLIE JACKSON JOHNSON also known as "Unc" had in fact raped and killed a black female in Gadsden County. The described details of the offense matched the details of the actual crime. The girl was said to have been killed in order to prevent her from reporting that she had been raped.

Both SOUTTS and JOHNSON had been previously involved in a sexual assault in 1960. SOUTTS chose the victim was left alive, but when SOUTTS and JOHNSON got into a dispute over SOUTTS' sexual advances, SOUTTS beat JOHNSON. JOHNSON was convicted only of assault in JOHNSON's behalf, and JOHNSON was out on bond at the time of the false bomb threat. JOHNSON was out on bond at the time of the murder by Lehmanage Dancers. JOHNSON had known Lehmanage Dancers in school.

David SWITZER and JOHNSON were subsequently arrested for armed robbery in Rock County, Wisconsin, on August 9, 1964 and were later convicted and sentenced to state prison.

Office of State Attorney General
Department of Law Enforcement traveled to Union Congressional
and other Department of Law Enforcement offices.

20. Mrs. W, who was advised of his rights, gave a statement in which she admitted her interest in the welfare of her son and her husband.

REAGAN'S SUGGESTION WAS MADE AND SWORN TO A WRITTEN STATEMENT.

CONTINUED

SUMMARY OF OFFENSE AND PROBABLE CAUSE

Identified the car, a 1975 white and blue Pontiac LeMans, as the car driven by ROBERT L. THOMAS and himself in committing the rape and robbery.

Chemical examination of the jacket by the Bureau of Alcohol, Tobacco and Firearms Enforcement Laboratory indicated the presence of the victim's blood.

Additional witnesses corroborated the identification of the suspect and the physical description of the victim as he disappeared.

TO: FIRST APPEARANCE MAGISTRATE

DEFENDANT: BURT BETTS

DATE: 7-20-81

CHARGES: MURDER - FIRST DEGREE

SUMMARY OF OFFENSE AND PROBABLE CAUSE INFORMATION

THE ABOVE-NAMED DEFENDANT WAS ARRESTED BY THE POLICE

Jamesie Sanders, who was also known by the name of

last been alive on May 28, 1981, after her disappearance

Andrews, Florida. She was found dead in a wooded area

located on June 16, 1981, in the same area where she

found in a wooded area near the Andrews Highway

in Lee County, Florida. She was found dead in a wooded

area located on June 16, 1981, in the same area where she

found in a wooded area near the Andrews Highway

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found in a wooded area near the Andrews Highway

in Lee County, Florida. She was found dead in a wooded

MY COMMISSION EXPIRES: 9/17/81

ORDER

THIS CAUSE coming before me as a FIRST APPEARANCE

and having reviewed the preceding AFFIDAVIT, the

Probable cause is sufficient.

Probable cause is not sufficient and

within seventy-two hours, the defendant shall be

own recognizance.

App.(b)

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT, IN AND
FOR GADSDEN COUNTY, FLORIDA.

FELONY CASE NO. 82-412A

STATE OF FLORIDA

-vs-

BURT SETTS,

Defendant.

Reporter's transcribed notes of proceedings had on
January 18, 1983, in the Gadsden County Courthouse at
Quincy, Florida; the Honorable Ben C. Willis, judge of
the above Court, presiding.

APPEARANCES: For the State:

NEIL G. WADE, Esq.
Assistant State Attorney
14 West Washington Street
Quincy, Florida 32351

For the Defendant:

GORDON B. SCOTT, Esq.
Assistant Public Defender
26 North Adams Street
Quincy, Florida 32351

The Defendant, Burt Setts

JOHN DAY, Probation Officer
Department of Corrections
Quincy, Florida 32351

Also Present:

[THEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD
ON JANUARY 18, 1983, IN OPEN COURT, AT 2:30 P.M.];

THE COURT: All right, what else do we have?

MR. WADE: Your honor, the next matter we have to bring before the court is regarding State of Florida ~~versus~~ Burt Setts, Case No. 82-412.

THE COURT: What's the name?

MR. WADE: Burt Setts.

THE COURT: What's that a charge of?

MR. WADE: Mr. Setts is charged by Information and is present before the court with the offenses of Second Degree Murder and Sexual Battery. He was originally arrested upon a warrant issued by this court for ~~First~~ ⁸ Degree Murder. Mr. Setts appears before the court for the purpose of entering a plea pursuant to a plea agreement which requires, among other things, his cooperation and testimony against his co-defendant, Willie Jackson Johnson.

There is a written plea agreement that the parties intend to sign before the court and then file with the court.

THE COURT: Mr. Setts?

MR. SETTS: At this time, your honor, we would waive the reading of the Information and enter a plea of Guilty to Count One and Guilty to Count Two, in

1
2 Case No. 82-412.
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It is further the understanding of my client
that there is no discussion or negotiation as to
sentence in this matter; and that this plea is being
entered after a very thorough investigation by the
office of the Public Defender, after the client
has been advised as to the various ramifications
of this matter. So at this time, we are entering
this plea, Judge.

THE COURT: He's now charged with Second
Degree Murder?

MR. WADE: Yes, sir.

THE COURT: And Sexual Battery, in Count Two?

MR. WADE: Yes, sir.

THE COURT: And you are entering a plea to what?

MR. SCOTT: Guilty to Count One and Guilty
to Count Two.

THE COURT: Guilty, to both counts?

MR. SCOTT: Yes, sir.

THE COURT: Murder Two is a life felony, is it
not?

MR. SCOTT: That's correct, your honor.

THE COURT: And which sexual battery is he
charged with?

MR. SCOTT: Life sexual battery.

1 THE COURT: Mr. Setts, you are entering a plea
2 of guilty to two charges, each of which is a life
3 felony; that is, you could get a life sentence for
4 it. One is Murder in the Second Degree and the other
5 is Sexual Battery.

6 Now, what is the contract?

7 MR. WADE: Your honor, there is a written
8 agreement for plea. We intend to file the original
9 with the court. I believe Mr. Setts has had an
10 opportunity to review it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Well, what is it, that he will
13 cooperate in the prosecution of his co-defendant?

14 MR. WADE: Yes, sir. Specifically, the State
15 and the defendant have agreed that the defendant,
16 Burt Setts, in lieu of being prosecuted for First
17 Degree Murder, is to be permitted to enter a plea
18 of Guilty to Second Degree Murder and Sexual
19 Battery.

20 Two, that there are no agreements or under-
21 standings as to what sentence shall be imposed; and
22 it is understood that the court has the power to
23 retain jurisdiction over any parole of the defendant
24 for up to one-third of any sentence imposed.

25 Three, that the defendant is to cooperate fully.

1 with the prosecution of his associate and co-defendant,
2 Willie Jackson Johnson; and agrees to give truthful
3 testimony, without need of a subpoena, in any
4 Grand Jury proceeding, hearing or trial in connection
5 with the prosecution of Johnson.

6 Four, the defendant has previously provided
7 truthful testimony in a statement given to law
8 enforcement on September 22, 1982, and sworn to
9 on November 29, 1982.

10 Five, should the defendant Burt Setts fail to
11 live up to the instant agreement and testify
12 truthfully, his plea under said agreement is,
13 upon motion of the State, to be set aside by
14 the court, and the defendant thereafter prosecuted
15 to the fullest extent of the law.

16 Six, the defendant waives any objection based
17 on speedy trial, and agrees that all statements
18 made by him pursuant to this agreement may be used
19 against him, should his plea later be set aside.

20 THE COURT: Mr. Setts, do you understand all
21 of that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: What are your facts involved here?

24 MR. WADE: Your honor, the evidence of the
25 State at trial of Mr. Setts's case would show that

1
2 between the 28th of May, 1981, and the 5th of June,
3 1981, one Eleniecc Sanders, who was also known by
4 the nickname of "Moosie," was raped and murdered
5 in Gadsden County, Florida.

6 Specifically, the evidence would show that
7 Eleniecc Sanders was seen alive last on May 28th,
8 after her sister dropped her off at Andrew's Patio
9 in Quincy, Florida. Two citizens later saw her in
10 the company of this defendant and Willie Jackson
11 Johnson in a vehicle being operated by Mr. Setts;
12 and that was the last place she was seen alive.
13 She was later found; that is, her nude and rather
14 severely decomposed remains were found in a wooded
15 area in Gadsden County on the 5th of June, 1981.
16 Autopsy revealed, among other findings, that the
17 deceased female had a fractured skull. The head
18 itself was severed from the rest of the body.

19 Following a lengthy investigation and based
20 on information investigators received, they
21 interviewed Mr. Setts. Mr. Setts, in a sworn
22 statement after he had been advised of his rights,
23 confessed to his participation in the rape and the
24 killing. He also pointed out to the investigators
25 the location where the killing occurred and the
location where the body had been concealed. That

matched what the investigators had previously found to be the case when they initially responded to the discovered body. He also pointed out one of the items used in effecting her death, that being the automobile jack from his mother's car.

Chemical examination of that jack indicated the presence of blood.

The motive for the killing, the evidence would show, was to prevent the young girl from identifying the persons who raped her and reporting the rape which occurred in the same place where she was killed.

All of these events occurring in Gadsden County, Florida, and M. Sanders being at the time of her rape and murder some twenty years of age.

THE COURT: Is that the evidence you would be confronted with at trial?

MR. SCOTT: That's correct, your honor.

MR. WADE: Your Honor, also as a portion of the factual basis, the State would submit a xerox copy of a sworn statement taken from Mr. Setts regarding his participation in those crimes and the events that transpired.

THE COURT: Mr. Setts, you are proposing to enter a plea of guilty to a charge of Murder in the

1 Second Degree, which is a crime carrying a maximum
2 of life imprisonment. Also, the crime of Sexual
3 Battery, which is a crime carrying a maximum of life
4 imprisonment. And the court would also have the
5 authority to retain jurisdiction of one-third of
6 that time. I think some recent case says that
7 would have to be considered as a first-degree
8 felony for that purpose. But the court could
9 retain jurisdiction to review any probation or any
10 parole; that is, it could retain jurisdiction for
11 a third of the sentence, to control any parole.

Do you understand what?

THE DEFENDANT: Yes, sir.

14 THE COURT: Are you entering this plea freely
15 and voluntarily?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand fully that you
18 could get two consecutive life sentences?

19 THE DEFENDANT: Yes, sir.

20. THE COURT: And that the court could retain
21. jurisdiction for at least twenty years?

THE DEFENDANT: Yes, sir.

23 THE COURT: Has anybody made any threats to
24 you, in connection with this case?

THE DEFENDANT: No, six.

1 THE COURT: Or any promises, other than what's
2 been mentioned here?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you satisfied with your lawyer's
5 advice?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you know it's entirely up
8 to me, and that there will not be any trial, as to
9 what's done with you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right, I'll accept the plea
12 and refer it for presentence investigation.

13 MR. WADE: Your honor, there are just two or
14 three other matters prior to closing this hearing
15 or terminating it.

16 One, I'd request that the court inquire of
17 Mr. Setts as to whether or not he's on any medication
18 or has consumed anything that would affect his
19 judgment at this time.

20 And, two, that he understands that he is entitled
21 to a trial by jury wherein witnesses could be called
22 on his behalf; and that he is waiving that.

23 THE COURT: Well, have you explained all that
24 to him?

25 MR. SCOTT: Yes, I have, your honor.

1 THE COURT: You do understand, Mr. Setts, that
2 you could have a trial?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And there will not be a trial, and
5 you're waiving that now?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Are you on any drugs, alcohol or
8 anything at this time?

9 THE DEFENDANT: No, sir.

10 THE COURT: Is there any reason your mind isn't
11 clear?

12 THE DEFENDANT: No, sir.

13 THE COURT: And you've discussed this with him?

14 MR. SOOTT: Thoroughly, your honor.

15 THE COURT: All right, I'll accept the plea.

16 MR. WADE: Your honor, I'd ask at this time that
17 Mr. Setts proceed to sign the plea agreement that
18 we've discussed and that he's approved.

19 THE COURT: Have you read that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Do you understand it?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: All right, sign it, if you wish.

24 [THEREUPON, THE DEFENDANT SIGNED A DOCUMENT.]

25 MR. SOOTT: If the court please, arising out of

12.

1 this matter today, there will be a problem, and I
2 didn't know whether the court would want to resolve
3 it at this time. The co-defendant is presently in
4 prison. I assume that a warrant will be issued.
5 He will need counsel, and it's going to be a conflict
6 matter in our office. I've discussed it with Mr.
7 Allen, and we're having difficulty at this time
8 trying to find somebody who is capable enough to
9 handle it. But if I can get an early order appointing
10 a special public defender --

11 THE COURT: As soon as Mr. Allen submits one,
12 I'll sign it.

13 MR. SCOTT: All right, sir.

14 MR. WADE: Your honor, what we would intend to
15 do is, at the time that any warrant or capias is
16 issued, to likewise inform the court of the need to
17 have counsel appointed for him.

18 THE COURT: Well, just consider that the public
19 defender -- is he indigent?

20 MR. SCOTT: Yes, your honor. He was represented
21 by our office within the last year.

22 THE COURT: Oh, he was?

23 MR. WADE: In Leon County. Since that time,
24 he's been in prison.

25 THE COURT: All right. Well, I'll commit myself

1 to declare him indigent and appoint the public
2 defender, and then Mr. Allen can submit to me the
3 conflict.

4 MR. SCOTT: Yes, sir.

5 THE COURT: And I'll sign the order.

6 MR. SCOTT: Thank you, your honor.

7 THE COURT: Any other matters?

8 MR. WADE: Nothing further, your honor. We
9 would ask that Mr. Seto be remanded to Apalachee
10 Correctional Institution, where he's currently
11 incarcerated with a retainer for Gadsden County,
12 until such time as the case is set for sentencing.

13 THE COURT: All right, let him be returned
14 to Apalachee.

15 MR. DAY: Your honor, can we ask that he remain
16 in the county jail just long enough for us to
17 interview him, within the next couple of days?

18 THE COURT: Can you do it this afternoon?

19 MR. DAY: Yes, sir, I think so.

20 THE COURT: You've got till midnight.

21 MR. DAY: Yes, sir, thank you.

22 THE COURT: All right.

23 THEREUPON, THE PROCEEDINGS WERE ADJOURNED
24 AT 3:47 P.M.)

1 STATE OF FLORIDA)

2 COUNTY OF GADSDEN)

3
4 CERTIFICATE OF OFFICIAL COURT REPORTER5
6 I, PRISCILLA WILLIAMS, Registered Professional
7 Reporter, Notary Public, State of Florida at large;
8 and Official Court Reporter, Second Judicial Circuit
9 of Florida, do hereby certify that I was authorized
10 to and did report the foregoing proceedings at the
11 time and place and in the cause indicated in the
12 caption; that I later reduced the same to typewriting
13 or had the same reduced to typewriting under my
14 personal supervision and that the foregoing Pages 1
15 through 13, inclusive, constitute a true and correct
16 transcription of my shorthand notes of such proceedings
17 had before me.18 WITNESS my hand and seal at Quincy, Florida,
19 this 4th day of June, 1984.20
21
22 Priscilla Williams (SEAL)
23 PRISCILLA WILLIAMS, R.P.R.
24 Official Court Reporter
25 Gadsden County Courthouse
Quincy, Florida 32351

App. (C)

82-412 CASE NO.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR GADSDEN
COUNTY, FLORIDA.

THE STATE OF FLORIDA JAN 18 PM 3:02

vs.

BURT SETTS,

F. D. R.)
S. E. C.)
GADSDEN COUNTY, FLA.)
Defendant(s).)

INFORMATION

CT. I: MURDER - 2ND DEGREE
CT. II: SEXUAL BATTERY

INFORMATION FOR:

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

DONALD S. MODESITT, State Attorney for the Second Judicial Circuit of the State of Florida, charges that in Gadsden County, Florida, the above named defendant(s), on or between May 28, 1981 and June 5, 1981

did then and there unlawfully kill a human being, Eleniece Sanders, also known as "Moosie", by striking her with a blunt object or by other means not specifically known, said killing being perpetrated by an act imminently dangerous to another, and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, contrary to Section 782.04(2), Florida Statutes.

COUNT II: And Donald S. Modesitt, as State Attorney aforesaid, further information makes that BURT SETTS, of the County of Gadsden and State of Florida, on or between May 28, 1981 and June 5, 1981, in the County of Gadsden and State of Florida, did then and there with intent to attain sexual arousal or gratification unlawfully commit a sexual battery upon Eleniece Sanders, also known as "Moosie", a female over the age of eleven (11) years, to-wit: twenty (20) years of age, by vaginal penetration by, or union with, the sex organ of another without the consent of Eleniece Sanders, also known as "Moosie", and in the process thereof used a deadly weapon, to-wit: a blunt object, or used actual physical force likely to cause serious personal injury, contrary to Section 794.011(3), Florida Statutes.

STATE OF FLORIDA)
COUNTY OF GADSDEN)

DONALD S. MODESITT, STATE ATTORNEY
SECOND JUDICIAL CIRCUIT OF FLORIDA,
IN AND FOR GADSDEN COUNTY.

Personally appeared before me, Donald S. Modesitt, State Attorney for the Second Judicial Circuit of the State of Florida, in and for Gadsden County, or his designated Assistant State Attorney, who, being first duly sworn, says that the allegations as set forth in the foregoing INFORMATION are based

Richard A. Ward
STATE ATTORNEY OR

PROBATION VIOLATOR
(Check if Applicable)

IN THE CIRCUIT COURT, Second
JUDICIAL CIRCUIT, IN AND FOR
Gadsden COUNTY, FLORIDA

STATE OF FLORIDA

DIVISION _____
CASE NUMBER 82-CF-412-A

—vs—

Burt Setts

Defendant

JUDGMENT

The Defendant, Burt Setts, being personally before this
Court represented by Gordon Scott, Asst. Public Defender, his attorney of record, and having:

(Check Applicable
Provision) Been tried and found guilty of the following crime(s)
 Entered a plea of guilty to the following crime(s)
 Entered a plea of nolo contendere to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME	CASE NUMBER
1	<u>Murder - 2nd Degree</u>	<u>782.04(2)</u>	<u>LF</u>	
2	<u>Sexual Battery</u>	<u>794.011(3)</u>	<u>LF</u>	

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

\$15.00

The Defendant is hereby ordered to pay the sum of ten dollars (\$10.00) pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.25(4).

The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8).
(This provision is optional; not applicable unless checked).

Imposition of Sentence
Stayed and Withheld
(Check if Applicable)

The Court hereby stays and withholds the imposition of sentence as to count(s) _____ and places the Defendant on probation for a period of _____ under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)

Sentence Deferred
Until Later Date
(Check if Applicable)

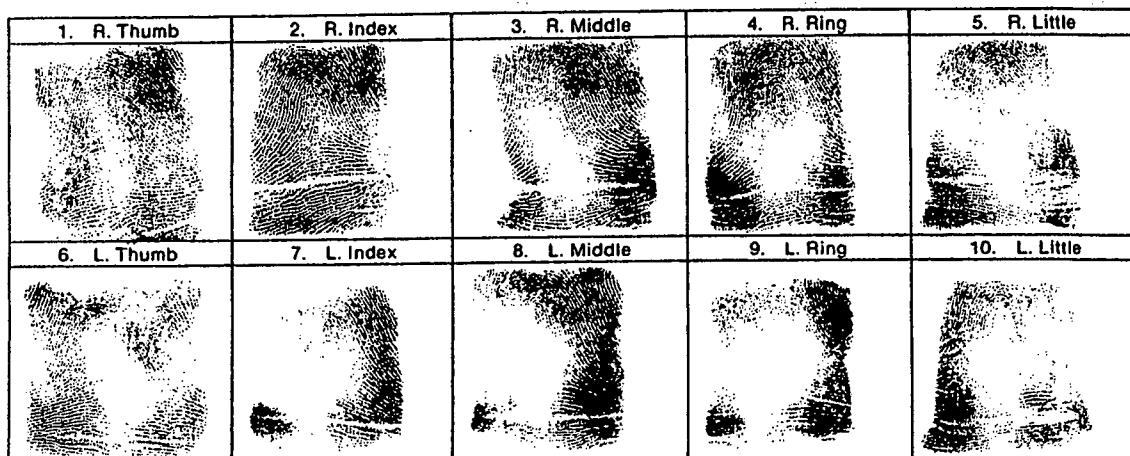
The Court hereby defers imposition of sentence until _____ (date)

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

Paul E. Willis

JUDGE

FINGERPRINTS OF DEFENDANT



Fingerprints taken by:

RJ Breeder J Deputy Sheriff

Name and Title

DONE AND ORDERED in Open Court at Gadsden County, Florida, this 18th day of October A.D., 1983. I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, Burt Sette and that they were placed thereon by said Defendant in my presence in Open Court this date.

Paul E. Willis

JUDGE

Defendant Burt Setts
 Case Number 82-CF-412-A

SENTENCE

(As to Count 1)

The Defendant, being personally before this Court, accompanied by his attorney, Gordon Scott, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

(Check either provision if applicable)

- and the Court having on _____ (date) deferred imposition of sentence until this date.
- and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that:

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff* of _____ County, Florida
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- For a term of 75 years
- For an indeterminate period of 6 months to _____ years.

If "split" sentence complete either of these two paragraphs

- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

- Firearm — 3 year mandatory minimum**
 - It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking — mandatory minimum**
 - It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction**
 - The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 25 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender**
 - The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit**
 - It is further ordered that the Defendant shall be allowed a total of 304 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Defendant Burt Setts
 Case Number 82-CF-412-A

SENTENCE

(As to Count 2)

The Defendant, being personally before this Court, accompanied by his attorney, Gordon Scott, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

(Check either provision
if applicable)

- and the Court having on _____ deferred imposition of sentence until this date.
- and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein.

IT IS THE SENTENCE OF THE LAW that;

- The Defendant pay a fine of \$ _____, plus \$ _____ as the 5% surcharge required by F.S. 960.25.
- The Defendant is hereby committed to the custody of the Department of Corrections
- The Defendant is hereby committed to the custody of the Sheriff of _____ County, Florida
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- For a term of Natural Life
- For a term of 75 years
- For an indeterminate period of 6 months to _____ years.

If "split" sentence
 complete either of
 these two paragraphs

- Followed by a period of _____ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- However, after serving a period of _____ imprisonment in _____ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

Firearm — 3 year mandatory minimum

- It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking — mandatory minimum

- It is further ordered that the _____ year minimum provisions of F.S. 893.135(1)() are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

- The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of _____. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

- The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

- It is further ordered that the Defendant shall be allowed a total of 304 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Defendant Burt Setts
Case Number 82-CF-412-A

Consecutive/Concurrent
(As to other convictions)

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run consecutive to concurrent with (check one) the following:

Any active sentence being served.

Specific sentences: _____

In the event the above sentence is to the Department of Corrections, the Sheriff of Gadsden County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends _____

Execution and Commencement of sentence is delayed for thirty (30) days from this date.

DONE AND ORDERED in Open Court at Gadsden County, Florida, this 18th day of October A.D. 1983.

Ben E. Miller
JUDGE

App.(e)

Progress Docket for Case **82000412CFMA**

State of Florida vs. **BURT SETTS** DOB: 10/17/1960

<u>Date</u>	<u>Date Entered</u>	<u>Description</u>
9/22/2022		9/22/2022 DEFENDANT'S REQUEST FOR DOCUMENTS FILED
6/23/2020		6/23/2020 NOTICE OF INQUIRY FILED
2/18/2020		2/18/2020 ORDER RETURNED UNDELIVERED
1/16/2020		1/16/2020 JUDGE ASSIGNED: ROBERT R WHEELER
1/16/2020		1/16/2020 ORDER DENYING DEFENDANT'S MOTION FILED
1/15/2020		1/15/2020 MOTION FOR APPOINTMENT OF COUNSEL FILED
1/15/2020		1/15/2020 CASE RE-OPENED. REASON : OTHER REASON
1/8/2020		1/8/2020 ORDER DISMISSING DEFENDANT'S POSTCONVICTION MOTION FILED
12/30/2019		12/30/2019 MOTION TO SUPPRESS EVIDENCE FILED
12/30/2019		12/30/2019 CASE RE-OPENED. REASON : OTHER REASON
2/14/2019		2/14/2019 SUPREME COURT FILED (DISMISSED)
12/3/2018		12/3/2018 DCA ORDER FILED (OTSC)
6/18/2018		6/18/2018 LETTER FROM DEF FILED
5/8/2018		5/8/2018 ORDER DENYING MOTION FOR POST CONVICTION RELIEF FILED
3/28/2018		3/28/2018 LETTER FROM DEF FILED
12/5/2017		12/5/2017 CASE RE-OPENED. REASON : POST CONV RELIEF
12/5/2017		12/5/2017 MOTION FOR POST CONVICTION RELIEF FILED
9/25/2013		10/3/2013 ORDER DISMISSING MOTION FOR POST CONVICTION RELIEF FILED
7/16/2013		10/2/2013 COPY OF APPENDIX
7/16/2013		7/16/2013 REOPENED FOR POST CONV RELIEF
7/16/2013		7/16/2013 AMENDED MOTION FOR POST CONVICTION RELIEF FILED
3/4/2013		3/4/2013 CLOSED FOR OTHER REASON
3/4/2013		3/4/2013 CASE CLOSED
3/4/2013		3/4/2013 ORDER DENYING MOTION FOR REHEARING FILED
2/19/2013		2/20/2013 REOPENED FOR OTHER REASON
2/19/2013		2/20/2013 MOTION FOR REHEARING FILED

Progress Docket for Case 82000412CFMA

State of Florida vs. BURT SETTS DOB: 10/17/1960

1/31/2013 2/20/2013 CLOSED FOR POST CONV RELIEF
1/31/2013 2/20/2013 CASE CLOSED
1/31/2013 1/31/2013 ORDER DENYING MOTION FOR POST CONVICTION RELIEF FILED
4/26/2012 4/26/2012 SUPPLEMENTARY GROUNDS FOUR AND FIVE FILED
4/23/2012 4/23/2012 NOTICE OF INQUIRY FILED
10/14/2011 10/14/2011 NOTICE OF INQUIRY FILED
5/26/2011 5/31/2011 AMENDED MOTION FOR POST CONVICTION RELIEF FILED
5/11/2011 5/11/2011 DEF MOTION FOR POST CONVICTION RELIEF FILED
5/10/2011 5/11/2011 REOPENED FOR POST CONV RELIEF
3/30/2011 3/30/2011 CLOSED FOR MOTION-CORRECT SENTENCE
3/30/2011 3/30/2011 CASE CLOSED
3/30/2011 3/30/2011 ORDER DENYING MOTION TO CORRECT SENTENCE FILED
3/4/2011 3/4/2011 JUDGE JONATHAN SJOSTROM ASSIGNED
2/21/2011 2/21/2011 DEF'S NOTICE OF INQUIRY FILED
10/28/2010 10/28/2010 REOPENED FOR MOTION-CORRECT SENTENCE
10/28/2010 10/28/2010 JUDGE SHEFFIELD, FRANK E ASSIGNED
10/28/2010 10/28/2010 MOTION TO CORRECT SENTENCE FILED
8/26/2010 8/26/2010 BELATED REHEARING IS HEREBY STRICKEN AS UNTIMELY)
8/26/2010 8/26/2010 SUPREME COURT ORDER FILED (PETITIONER'S MOTION FOR
5/27/2010 5/27/2010 SUPREME COURT ORDER FILED (PETITION DENIED)
2/3/2010 2/3/2010 SUPREME COURT ORDER FILED (FILING FEE)
2/3/2010 2/3/2010 SUPREME COURT ACKNOWLEDGMENT LETTER OF NEW CASE FILED
2/18/2009 2/18/2009 DCA RECORDS (3.190) RETURNED FILED (2 VOLS)
1/8/2009 1/8/2009 DCA MANDATE AND OPINION FILED (AFFIRMED)
12/29/2008 12/29/2008 DEF REQ FOR DOCKET FILED
8/21/2008 8/21/2008 COPY OF DCA ORDER FILED (NO FILING FEE DUE)
8/20/2008 8/21/2008 DCA ORDER FILED (NO FILING FEE DUE)
8/8/2008 8/11/2008 LETTER OF INQUIRY FILED

Progress Docket for Case **82000412CFMA**

State of Florida vs. BURT SETTS DOB: 10/17/1960

7/29/2008 7/30/2008 APPLICATION FOR CRIMINAL INDIGENT STATUS FILED
7/29/2008 7/30/2008 AFFIDAVIT OF INDIGENT STATUS FILED.(NOT PAID)(INDIGENT)
7/23/2008 7/23/2008 DCA ORDER FILED (AFFIDAVIT OF INSOLVENCY)
7/21/2008 7/21/2008 MOTION TO REINSTATE PETITION FOR WRIT OF MANDAMUS FILED
7/18/2008 7/18/2008 AFFIDAVIT OF INDIGENCY BY APPELLANT FILED
7/18/2008 7/18/2008 MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS/
7/10/2008 7/10/2008 DCA ORDER FILED (FILING FEE)
7/10/2008 7/10/2008 DCA LETTER - RECEIPT OF NOTICE OF APPEAL FILED
6/23/2008 6/23/2008 NOTICE OF APPEAL FILED
5/29/2008 5/29/2008 NOTICE OF INQUIRY FILED
5/23/2008 5/23/2008 CASE CLOSED
5/23/2008 5/23/2008 CLOSED FOR OTHER REASON
5/23/2008 5/23/2008 ORDER DENYING DEF'S RULE 3.190 MOTION TO DISMISS FILED
5/21/2008 5/21/2008 CASE REKEYED FROM OLD SYSTEM.
5/21/2008 5/21/2008 JUDGE BATEMAN ASSIGNED
4/25/2008 5/21/2008 REOPENED FOR OTHER REASON
4/25/2008 5/21/2008 MOTION TO DISMISS FILED
10/18/1983 9/26/2013 SENTENCED TO 00 00 00 OF DL ACTION - NO ACTION
10/18/1983 9/26/2013 SENTENCED TO 000 10 04 OF CREDIT TIME SERVED
10/18/1983 9/26/2013 SENTENCED TO 000 00 00 075 00 00 OF CONFINEMENT - PRISON
10/18/1983 5/21/2008 CASE CLOSED
10/18/1983 5/21/2008 CREDIT FOR TIME SRV FOR 10 MOS 4 DYS - CNT 2
10/18/1983 5/21/2008 SENTENCE IS CONCURRENT WITH 82412CFA -001 - CNT 2
10/18/1983 5/21/2008 MAX CONF-PRISON FOR 75 YRS - CNT 2
10/18/1983 5/21/2008 DEFENDANT SENTENCED AS FOLLOWS - CNT 2:
10/18/1983 5/21/2008 DEFENDANT APPEARED PRES W/ATTY FOR NO TRIAL TRIAL CNT: 2
10/18/1983 5/21/2008 CREDIT FOR TIME SRV FOR 10 MOS 4 DYS - CNT 1
10/18/1983 5/21/2008 MAX CONF-PRISON FOR 75 YRS - CNT 1

Progress Docket for Case **82000412CFMA**

State of Florida vs. BURT SETTS DOB: 10/17/1960

10/18/1983	5/21/2008 DEFENDANT SENTENCED AS FOLLOWS - CNT 1:
10/18/1983	5/21/2008 DEFENDANT APPEARED PRES W/ATTY FOR NO TRIAL TRIAL CNT: 1
10/18/1983	5/21/2008 DEFENDANT ENTERED PLEA OF NOLO CONTENDERE CNT: 1,CNT: 2
1/18/1983	5/21/2008 N/A SEQ: 1,SEQ: 2
1/18/1983	5/21/2008 CASE FILED WITH CLERK